CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	Г	Team:	CCRB Case #:	□ F	orce		Discourt.	☐ U.S.
Thomas Juliano	S	Squad #13	201902964		Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Pro	ecinct:	18 N	Mo. SOL	EO SOL
Sat, 03/30/2019 10:38 PM		43rd Street			67	09/	30/2020	5/17/2021
Date/Time CV Reported	(CV Reported At:	How CV Reported:	: E	Oate/Time	Recei	ved at CCF	RB
Sun, 03/31/2019 10:55 AM	I	AB	Phone	F	ri, 04/05/	2019	11:15 AM	
Complainant/Victim	Type	Home Addre	ess					
1.	Comp/Vict	tim 65 East 10th	Street PH Brooklyn	NY 1	1218			
2.	Victim	201 East 43rd	l Street Brooklyn N	Y 112	203			
Subject Officer(s)	Shield	TaxID	Command					
1. POM								
2. POM Michael Hawk	01338	960645	069 PCT					
3. DTS								
4. SGT	CL: LLN	TD. NI	CLIN					
Witness Officer(s)	Shield No	Tax No	Cmd Name					
1. POM								
Officer(s)	Allegation			ı				nmendation
A . POM	Abuse of A	Authority: Police Offic	er	stopp	ed A.	Exone	erated	
B. DTS	Abuse of A	Authority: Detective	stoppe	ed	В.	Exone	erated	
C . POM Michael Hawk	Abuse of A	Authority: Police Offic	er Michael Hawk sto	opped	l C. I	Exone	erated	
D . POM	Abuse of A	Authority: Police Offic	er	stopp	oed D.	Exone	erated	
E. DTS	Abuse of A	Authority: Detective	stopp	ed	E. 1	Exone	erated	
F. POM Michael Hawk	Abuse of A	Authority: Police Offic	er Michael Hawk ste	opped	l F.I	Exone	rated	
G. POM	Abuse of A	Authority: Police Offic	er	friske	ed G.	Unsul	stantiated	l
H. POM	Abuse of A searched	Authority: Police Offic	er		Н.	Unsul	ostantiated	I
I . POM Michael Hawk	_	Authority: Police Offic	er Michael Hawk fri	isked	I. U	Jnsubs	stantiated	
J. POM Michael Hawk	Abuse of A	Authority: Police Offic	er Michael Hawk se	arche	d J. U	Jnsub	stantiated	
K. DTS	Abuse of A vehicle in voccupants.		search and	hed the		Unsub	ostantiated	I
L. DTS	Abuse of A	Authority: Detective	search	hed	L. 1	Unsub	stantiated	

Officer(s)	Allegation	Investigator Recommendation
M . SGT	Abuse of Authority: Sergeant searched	M . Unsubstantiated
N . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk searched the vehicle in which were occupants.	N . Unsubstantiated
O . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk searched	O. Unsubstantiated
P. DTS	Abuse of Authority: Detective provide his name to	P. Unsubstantiated
Q . POM	Abuse of Authority: Police Officer failed to provide with a business card.	Q . Substantiated
R. POM	Abuse of Authority: Police Officer failed to provide with a business card.	R . Substantiated
S . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk failed to provide with a business card.	S . Unsubstantiated
T . POM Michael Hawk	Abuse of Authority: Police Officer Michael Hawk failed to provide with a business card.	T . Unsubstantiated
U. DTS	Abuse of Authority: Detective failed to provide with a business card.	U . Unsubstantiated
V. DTS	Abuse of Authority: Detective failed to provide with a business card.	V . Unsubstantiated
W . SGT	Abuse of Authority: Sergeant failed to provide with a business card.	W . Unsubstantiated
X . POM	Other: Police Officer failed to prepare a memo book entry as required.	X . Other Misconduct
Y . POM Michael Hawk	Other: Police Officer Michael Hawk failed to prepare a memo book entry as required.	Y . Other Misconduct
Z. DTS	Other: Detective failed to prepare a memo book entry as required.	Z . Other Misconduct
AA. SGT	Other: Sergeant failed to prepare a memo book entry as required.	AA. Other Misconduct
AB. POM	Other: Police Officer failed to prepare a stop and frisk report as required.	AB. Other Misconduct
AC. DTS	Other: Detective failed to prepare a stop and frisk report as required.	AC. Other Misconduct
AD. POM Michael Hawk	Other: Police Officer Michael Hawk failed to prepare a stop and frisk report as required.	AD. Other Misconduct
AE. POM	Other: Police Officer improperly used his body-worn camera according to Patrol Guide Procedure 212-123.	AE. Other Misconduct
AF. POM Michael Hawk	Other: Police Officer Michael Hawk improperly used his body-worn camera according to Patrol Guide Procedure 212-123.	AF. Other Misconduct
AG. DTS	Other: Detective improperly used his bodyworn camera according to Patrol Guide Procedure 212-123.	AG. Other Misconduct

Case Summary
On March 31, 2019, Ms. filed this complaint over the phone with IAB on behalf of herself and her boyfriend, Mr. On April 4, 2019, the CCRB received the complaint via log #19-12946.
On March 30, 2019, at approximately 10:38 p.m., Ms. and Mr. were sitting inside of Mr. wehicle, parked in front of Mr. driveway of his home, located at 201 East 43 rd Street in Brooklyn. PO PO Michael Hawk, and Det. of the 69 th Precinct stopped Mr. and Ms. (Allegations A, B, C, D, E, and F: Abuse of Authority – exonerated). PO frisked and searched Mr. (Allegations G and H: Abuse of Authority – unsubstantiated). PO Hawk frisked and searched Ms. (Allegation I and J: Abuse of Authority – unsubstantiated). Det. searched Mr. vehicle (Allegation K: Abuse of Authority – unsubstantiated). Det. and Sgt. Terrance of the 69 th Precinct searched Ms. (Allegations L and M: Abuse of Authority – unsubstantiated). Det. purse (Allegations N and O: Abuse of Authority – unsubstantiated). Det. refused to provide his name to Mr. (Allegation P: Abuse of Authority – unsubstantiated).
PO failed to offer a business card to Ms. and Mr. (Allegations Q and R: Abuse of Authority – substantiated). PO Hawk and Det. failed to offer business cards to Mr. (Allegations S, T, U, and V: Abuse of Authority – unsubstantiated). Sgt. failed to offer a business card to Ms. (Allegation W: Abuse of Authority – unsubstantiated). PO Det. PO Hawk, and Sgt. failed to prepare memo book entries as required (Allegations X, Y, Z, and AA: Other Misconduct). PO Det. and PO Hawk failed to prepare stop and frisk reports as required (Allegations AB, AC, and AD: Other Misconduct). PO Det. and PO Hawk improperly used their body-worn-cameras (Allegations AE, AF, and AG: other misconduct). No arrests or summonses resulted from this incident.
There is no video evidence in this case.
Findings and Recommendations Allegation A – Abuse of Authority: Police Officer Allegation B – Abuse of Authority: Detective Allegation C – Abuse of Authority: Police Officer Michael Hawk stopped Allegation D – Abuse of Authority: Police Officer stopped stopped
Allegation E – Abuse of Authority: Detective Allegation F – Abuse of Authority: Police Officer Michael Hawk stopped Mr. and Ms. both alleged that Mr. vehicle was parked in front of Mr. driveway when the officers stopped their police car next to Mr. vehicle, exited their police car, and approached Mr. vehicle with their flashlights turned on. PO ordered Mr. to produce his license and registration, which Mr. provided immediately (Board Review 01, 02).
PO Hawk, Det. and Sgt. all said Mr. wehicle was parked in the lane of traffic which was a violation. As they attempted to drive by, they smelled marijuana coming from the vehicle (See Allegations D-M below). PO and PO Hawk both said Mr. wehicle was also blocking a driveway. Det. did not recall if Mr.

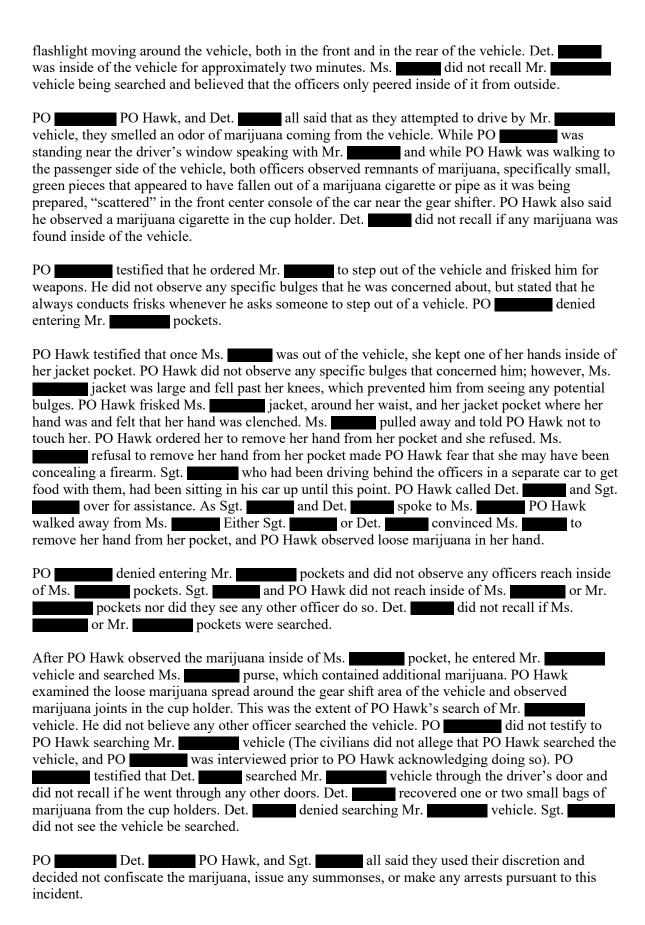
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vehicle was blocking a driveway. PO wanted to inquire as to whether the driveway

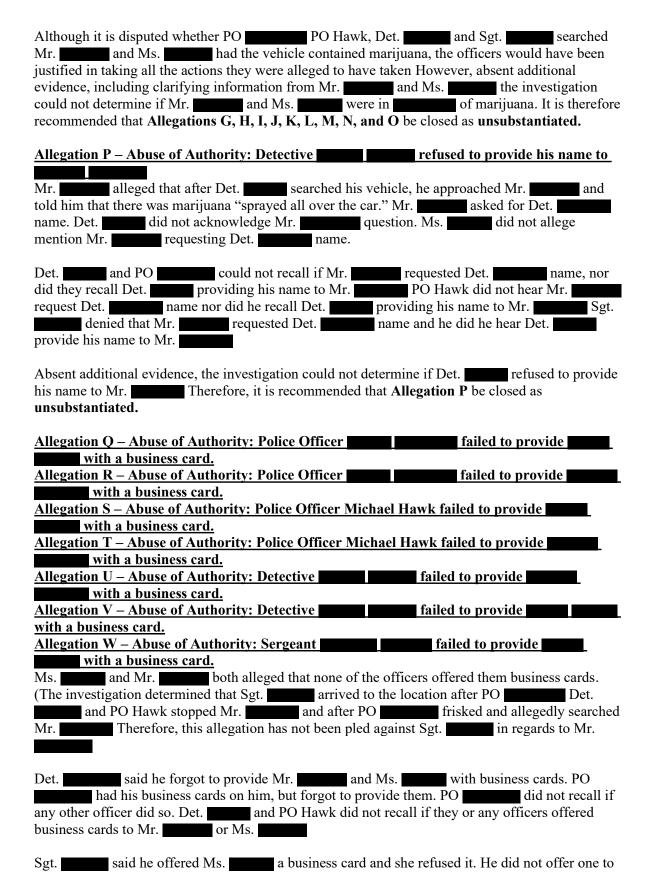
belonged to Mr. (Board Review 03, 04, 05, 06).

owner, lessor, or leese of the lot accessed by a private driveway to park a passenger vehicle registered to him/her at that address in front of such driveway (Board Review 07). Absent additional evidence, the investigation was unable to determine if Mr. which was blocking traffic. However, given that Mr. we hicle was parked on the street blocking a driveway, the officers were justified in stopping Mr. and Ms. to determine if Mr. vehicle was parked improperly. Therefore, it is recommended that **Allegations A, B, C,** D, E, and F be closed as exonerated. Allegation G – Abuse of Authority: Police Officer frisked Allegation H – Abuse of Authority: Police Officer searched Allegation I – Abuse of Authority: Police Officer Michael Hawk frisked Allegation J – Abuse of Authority: Police Officer Michael Hawk searched Allegation K – Abuse of Authority: Detective searched the vehicle in which and were occupants. Allegation L – Abuse of Authority: Detective searched Allegation M – Abuse of Authority: Sergeant searched Allegation N – Abuse of Authority: Police Officer Michael Hawk searched the vehicle in which and and were occupants. Allegation O – Abuse of Authority: Police Officer Michael Hawk searched Mr. and Ms. both said at some point after ordering Mr. to produce his identification, PO told them that he observed "weed sprayed all around the car." Both Mr. and Ms. denied having marijuana or smoking marijuana inside of the vehicle. Neither Mr. specified if they had smoked marijuana at any point during the day or if their clothes smelled. Mr. and Ms. were uncooperative with subsequent contact attempts to obtain additional information about this aspect of the incident (See IAs for contact attempts. Mr. testified that PO ordered Mr. to step out of the vehicle and he complied. PO patted Mr. down along the front and side of his torso, his jacket pockets, front and rear pants pockets, and down his legs. PO removed Mr. wallet from one of the rear pockets of Mr. pants. PO second Mr. to the rear of the vehicle. PO Hawk ordered Ms. to step out of the vehicle. Mr. heard scream "stop," and "don't touch me," but could not see what was happening as PO Hawk and Ms. were on the other side of the vehicle. Ms. Lestified that PO Hawk ordered her to exit the vehicle and she complied. PO Hawk patted Ms. right jacket pocket. He reached his hand into her right jacket pocket, and through the pocket, patted down her groin area, over her pants. Ms. screamed that was not her pocket, and that he was touching her "private area." Det. by the investigation as Sgt. approached Ms. and turned out her jacket pockets. The only item contained in Ms. jacket pockets were her keys. Det. told Ms. that because she was shaking, they suspected her of possessing a firearm. Ms. did not see PO frisk or search Mr. Mr. testified that after Ms. exited the car, Det. entered the car. Mr. could not see specifically where Det. searched the vehicle, but observed his

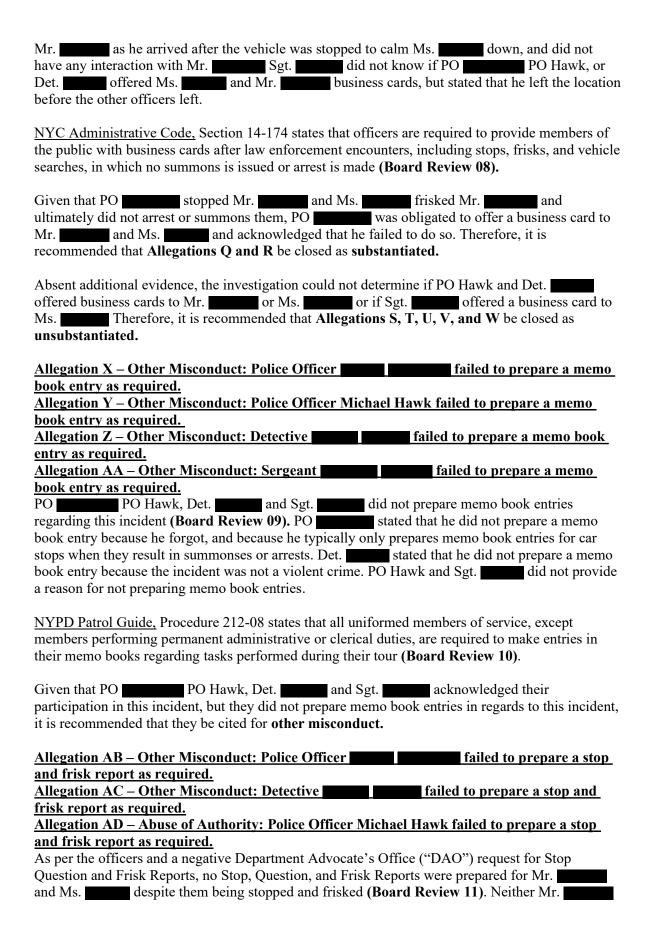
NYC Department of Transportation Traffic Rules and Regulations, Section 4-08 states that no person shall park in front of a public or private driveway, except that it shall be permissible for the



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Mediation, Civil and Criminal Histories

As of August 2, 20 Claim being filed in According to the C	ned to mediate this complete the New York City Complete the New York City Complete the New York City (Boundary) in New York City (Boundary)	Office of the Comptroller has no record (Board Review 16). ation (OCA), Ms. and Mr.	d of a Notice of have no
Squad No.: 13			
Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date